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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/529,991	04/24/2000	KARI HUTTUNEN	PM268081	7245

909 7590 05/13/2003

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EXAMINER

HO, DUC CHI

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 05/13/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

S.T.

# Office Action Summary

Application No.

09/529,991

Applicant(s)

HUTTUNEN, KARI

Examiner

Duc C Ho

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 7-12 is/are rejected.
- 7) ☒ Claim(s) 12-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-2, 7-11, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Hjelm et al. ( US 6,529,497), hereinafter referred as Hjelm.

Regarding claim 1, and 10, Hjelm discloses channel allocation and release for packet data services. Figure 1A shows a mobile telecommunications network, which includes channel allocation comprising a MS 20, a plurality of BS 22, a BSC 24, a MSC 26, and a SGSN 25.

*the telecommunication connection is used for connection set up and data transfer*( the air interface 23-fig. 1A is inherently used for connection setup and data transfer, column 4, lines 3-5),

*the telecommunication connection comprises a channel for relaying channel allocation requests transmitted by subscriber terminal to the network part* ( the air interface 23 comprises a 2-1 channel, fig. 2A for inherently relaying channel request transmitted by the MS 20 the BSC 24 via the BS 22, column 6, lines 26-37),

*characterized by controlling the telecommunication system load by adjusting the capacity of the channel used for relaying the channel allocation requests* ( the packet control unit PCU regional processor RP 54, fig. 1A checks ( step 2-10, fig. 2A) whether there are enough available allocated GPRS channels and subsequent steps in fig. 2A that includes obtaining GPRS Idle List 56, allocating and activating an appropriate channel (*adjusting the capacity*) for a 2-12 message which is a channel assignment to the MS 2-1 message, column 6-line 60 to column 7-line 39).

Regarding claims 2, and 11, Hjelm uses a timing mechanism in which a longer timer value is used for a decrease in channel capacity in the event of a base station is inherently overloaded, and a shorter timer value is used for an increase in channel capacity when the load is inherently dropped, column 11, lines 4-43, fig. 4C-D.

Regarding claims 7, and 16, Hjelm discloses the measuring of the base station system's load at column 4, lines 38-58, and fig. 4C, column 11, lines 4-16.

Regarding claim 8, in Hjelm the base station controller control the load of the telecommunications system, column 11, lines 4-16.

Regarding claim 9, in the current GPRS standard (GSM Technical Specification GSM 04.60, Version 0.9.1, Sep., 26, 1996), the physical channel dedicated to packet data traffic in the GPRS is called a Packet Data Channel (PDCH). For a GPRS mobile-originated packet transfer, a MS initiates the packet transfer by making a random access request on the PDCH uplink over the Packet Random Access Channel (PRACH). In Hjelm a high PRACH capacity is configured with the PCU RP 54 –fig. 1A of the base station controller 24, column 6-line 6 to column 7-line 39.

#### ***Allowable Subject Matter***

4. Claims 3-6, and 12-15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Turina (US 6,031,832); Mustajarvi (US 6,356,759) are cited to show a method for controlling load in a telecommunication system, which is considered pertinent to the claimed invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (703) 305-1332. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4750

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,

Arlington, VA, Sixth Floor (Receptionist).

Patent Examiner

  
Duc Ho

5-9-03